

Amendments to the Drawings:

The attached sheets of drawings include changes to Figures 1, 2, 3, and 4. These sheets, which include Figs. 1-4, replace the original sheets which also include Figs. 1-4. In each of Figures 1-4, the legend --(PRIOR ART)-- has been added.

Attachments: Four (4) Replacement Sheets (Figs. 1, 2, 3, and 4)

REMARKS

Claims 1-4, 6-25, 27-43, and 45-47 remain pending in the application. Claims 5, 26, and 44 have been canceled without prejudice or disclaimer. The specification, Figures 1-4, and claims 1, 6, 9-10, 17, 20, 22, 27, 30-31, 38, 41, 42, 43, and 45 have been amended without introduction of new matter. Favorable reconsideration is respectfully requested in view of the above amendments and the following remarks.

Before addressing the substantive issues raised in the Office Action, it is noted that the Office returned three of Applicant's Information Disclosure Statements (IDSs) with the Examiner's initials inserted to indicate his consideration of the corresponding references, except that in one of these (the IDS filed on July 9, 2004), the Examiner crossed out four references on the grounds that there was "no date available" and that the "MPEP requires both month and year."

In response, it is respectfully noted that Applicant's IDS of July 9, 2004 was in full compliance with the applicable statute and regulations. For example, 37 CFR §1.98(b)(5) states: "Each publication listed in an information disclosure statement must be identified by publisher, author (if any), title, relevant pages of the publication, date, and place of publication." Nothing in the regulations requires an applicant to provide a month of publication, especially when such information is not made available by the publisher of an article. Accordingly, Applicant cannot understand an internal Office policy (as stated in the MPEP) that, despite an applicant's full compliance with statutes and regulations, prevents an Examiner from indicating his consideration of references submitted.

In any case, the MPEP §609.04(a) at page 600-152 (Rev. 5, Aug. 2006) provides for an exception in that it states, "The date of publication supplied must include at least the month and year of publication, *except that the year of publication (without the month) will be accepted if the applicant points out in the information disclosure statement that the year of publication is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the particular month of publication is not in issue.*" (Emphasis added.) In the present instance, one of the citations was to Müller, F., et al., "Further evolution of the GSM/EDGE radio access network," Ericsson Review, 2001, No. 3, pp. 116." It is evident from information already in the Office's records that the effective U.S. filing date of the present application is October 9, 2003 (based on the filing date of the corresponding U.S. Provisional Application), and that this application does not claim foreign priority from any other applications. Thus, the Examiner should have readily been able to ascertain that the

month of publication would not have been in issue at least with respect to the 2001 publication. Accordingly, it is respectfully requested that the Office return at least another copy of the July 9, 2004 IDS, this time with the Examiner's initials placed next to the citation to the Müller et al. citation to show that it has been considered. Another copy of the 1449 Form from the July 9, 2004 is being submitted herewith for the Office's convenience.

Claim 42 has been amended merely to correct an inadvertent error introduced into the original claim: In the preamble, "The method" has been changed to --The apparatus--, since this claim depends from claim 40, which is an apparatus claim. Accordingly, no new matter has been added.

Turning now to the substantive issues raised in the Office Action, the disclosure was objected to because a co-pending application mentioned in paragraph number [0001] was not identified by an application number. In response, the first paragraph of the application has been amended to address the Office's concern. Accordingly, it is respectfully requested that the objection to the disclosure be withdrawn.

Figures 1-4 were objected to because they do not carry a legend such as --Prior Art--. In response, the figures have been amended to address the concern expressed in the Action. No new matter has been added. Therefore, it is respectfully requested that the objection to the figures be withdrawn.

Claim 14-21, 35-42, and 47 stand rejected under 35 USC §112. As Applicant is best able to understand, the basis of this rejection is an alleged failure to satisfy the written description requirement as set forth in paragraph 1 of the statute. This rejection is respectfully traversed.

Turning first to the stated rejection with respect to independent claims 19, 40, and 47, the Office alleges that the feature "selecting as a decoded value that one of the reduced set of possible codewords that is associated with a highest one of the correlation values" could not be found anywhere in the specification. The Office further alleged that "the argument holds true for dependent claims 14-18, 20-21, 35-39, and 41-21 [sic: 42?]."

Applicant respectfully disagrees because the step of "selecting", as recited in the independent claims, is supported at least by the equations set forth in paragraphs [0064] and [0066], where $X_{1_detection}$ is the decoded value and $c_{detection}$ is selected as the index that corresponds to the maximal correlation value ($\maxind(\dots)(\dots)$ in the equations). One of ordinary skill in the art at the time of Applicant's invention would readily have understood the meaning of these equations.

To the extent that the Office's objection is based on the presence of language in the claims that is not set forth, word for word, in the specification, the Office is reminded that “the invention claimed does not have to be described in *ipsis verbis* in order to satisfy the description requirement of Sec. 112.” *In re Wright*, 866 F.2d 422, 424; 9USPQ2d 1649 (Fed. Cir. 1989). See also, the MPEP §2163 at page 2100-173 (Rev. 5, 2006): “If a skilled artisan would have understood the inventor to be in possession of the claimed invention at the time of filing, even if every nuance of the claims is not explicitly described in the specification, then the adequate description requirement is met. See, e.g., *Vas-Cath*, 935 F.2d at 1563, 19 USPQ2d at 1116; *Martin v. Johnson*, 454 F.2d 746, 751, 172 USPQ 391, 395 (CCPA 1972) (stating “the description need not be in *ipsis verbis* [i.e., “in the same word”] to be sufficient”).”

With respect to other rejected claims, the basis for the Office's concern appears to derive from the phrase “signify something meaningful”, which is recited in claims 17, 20, 38, and 41. To address this concern, dependent claims 17 and 38 have been amended such that the phrase “signify something meaningful” has been replaced by the phrase “do not correspond to an illegal codeword”; and dependent claims 20 and 41 have been amended such that the phrase “signify something meaningful” has been replaced by the phrase “are not illegal codewords.” Support for these amendments can be found in the specification at least at, for example, paragraph [0084]. Accordingly, no new matter has been added.

For at least the foregoing reasons, the claims are believed to satisfy the requirements of the statute. Accordingly, it is respectfully requested that the rejection of claims 14-21, 35-42, and 47 under 35 USC §112 be withdrawn.

Claims 19-21, 40-42, and 47 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Applicant's Admitted Prior Art (hereinafter AAPA, see “Background” at paragraphs 0002-0054 and figures 1-4). This rejection is respectfully traversed.

The exact nature of this rejection is not fully understood by Applicant. The stated rejection is under Section 103 of the patent statutes, which would indicate obviousness as the grounds of rejection. However, the Action relies on only a single “reference” (i.e., AAPA), and the Action does not indicate which aspects of the rejected claims it believes are not expressly disclosed by the relied-upon prior art, making the rejection seem more like one for anticipation rather than obviousness.

In either case, however, Applicant believes that the rejection should be withdrawn because the AAPA neither discloses nor suggests all of the features recited in Applicant's claims. In particular, the AAPA neither discloses nor suggests the following features which are found in each of independent claims 19, 40 and 47:

- generating a set of correlation values by correlating each of *a reduced set of possible codewords*, against the received HS-SCCH Part 1 message;
- selecting as a decoded value that one of *the reduced set of possible codewords* that is associated with a highest one of the correlation values;
- wherein the reduced set of possible codewords is generated from the full set of possible codewords.

This rejection appears to be the result of an erroneous interpretation of the “reduced set” that is recited in the claims. The Office alleges that block 209 is known to correlate the received Part 1 information, which is true. However, in the prior art, block 209 is a correlation that involves the full set of possible codewords. By contrast, each of independent claims 19, 40, and 47 defines and uses a “reduced set of possible codewords”. Thus, the AAPA fails to disclose or suggest this aspect of Applicant's claims.

It is also correct that the HS-link can adapt to fading conditions by changing the applicable modulation scheme (16-QAM/QPSK), as mentioned in the Action. However, in the prior art it is not the UE that makes this adaptation in HSDPK, but the Node B. Consequently, in the prior art, a UE must at all times be prepared to receive any modulation scheme that it supports (defined in the UE category and not adaptive over time). It is not previously known to use the category information to reduce the set of codewords used in Part 1 correlation, which would be required to satisfy the terms of Applicant's claims. This aspect of Applicant's invention is described in paragraphs 0086-0087 of the specification.

For at least the foregoing reasons, independent claims 19, 40, and 47, as well as their various dependent claims 20-21 and 41-42, are believed to be patentably distinguishable over the AAPA. Accordingly, it is respectfully requested that the rejection of claims 19-21, 40-42, and 47 under 35 U.S.C. §103(a) be withdrawn.

Claims 1-3, 5-18, 22-24, 26-39, and 43-46 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over the AAPA in view of Strutt (USP 7,072,618). This rejection is respectfully traversed.

Independent claim 1 has been amended to include all of the features defined by dependent claim 5. Similarly, independent claim 22 has been amended to include all of the features defined by dependent claim 26. Also, independent claim 43 has been amended to include all of the features defined by dependent claim 44. Dependent claims 5, 26, and 44 have been canceled without prejudice or disclaimer to avoid redundancy, and the stated dependencies of dependent claims 6, 9-10, 27, 30-31, and 45 have been changed to accommodate the cancellations. In view of these amendments, the Office's remarks with respect to the rejections of claims 5, 26, and 44 are now applicable to independent claims 1, 22, and 43. Additionally, the rejection of (now canceled) dependent claims 5, 26, and 44 has been rendered moot.

Independent claims 1, 22, and 43 are patentably distinguishable over any combination of AAPA with the Strutt patent at least because that combination fails to include “dynamically adjusting the threshold level based on a communication traffic behavior”, wherein that threshold level is used as a basis for determining whether to abort reception of a multi-part message.

The Office states that “[i]t appears from comparing Prior Art figure 2 and figure 5 that AAPA does not use threshold to compare correlation value blocks...”, but relies on the Strutt patent as making up for this deficiency. The Office further states (with respect to its rejection of original claims 5, 26, and 44 -- see page 10 of the Action) that “Strutt teaches dynamically adjusting the threshold (title).”

The Office’s reliance on Strutt is inapposite for several reasons. First, Strutt does not teach or suggest that a threshold is to be used when receiving and correlating only a part of a message, as defined by Applicant's claims.

Neither does it teach aborting reception of a multi-part message if the correlation value is below the threshold. Instead, Strutt teaches detecting a signal in the presence of interference or noise by use of the correlation and the threshold. (See, e.g., Strutt's Abstract.)

Furthermore, and of great importance, Strutt adapts a threshold based on the variance of a received signal over time. This is quite different from adjusting the threshold based on a communication traffic behavior, as recited in the rejected independent claims and described in Applicant's specification at, for example, paragraph 0069.

For at least the foregoing reasons, independent claims 1, 22, and 43 and their various dependent claims 2-3, 6-18, 23-24, 27-39, and 45-46, are believed to be patentably distinguishable over the AAPA and Strutt references, regardless of whether these references

are considered individually or in combination. Accordingly, it is respectfully requested that the rejection of claims 1-3, 6-18, 22-24, 27-39, 43, and 45-46 under 35 U.S.C. §103(a) be withdrawn.

Claims 4 and 25 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over AAPA in view of Strutt and further in view of Nakamura (USP 7,020,183). This rejection is respectfully traversed.

Dependent claims 4 and 25 depend from independent claims 1 and 22, respectively, and are therefore patentably distinguishable over any combination of AAPA with Strutt for at least the reasons set forth above. The Nakamura patent fails to make up for the deficiencies of AAPA and Strutt at least because it, too, fails to teach or disclose the features that, as explained above, are missing in AAPA and Strutt. Consequently, any combination of AAPA, Strutt, and AAPA would still lack these features.

For at least the foregoing reasons, claims 4 and 25 are believed to be patentably distinguishable over the AAPA, Strutt, and Nakamura patents, regardless of whether these references are considered individually or in any combination. Accordingly, it is respectfully requested that the rejection of claims 4 and 25 under 35 U.S.C. §103(a) be withdrawn.

The application is believed to be in condition for allowance. Prompt notice of same is respectfully requested.

Respectfully submitted,
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